

Atty. Dkt. No. 03CR254/KE (047141-0348)

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended. Paragraphs [0002], [0003], [0004], [0005], and [0006] have been amended to correct typographical errors. Paragraphs [0018], [0019], and [0020] have been amended to overcome the Examiner's objections.

Claims 1, 6, 10, 15 and 16 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application.

#### I. Defective Oath/Declaration

Applicant respectfully traverses the Examiner's rejection of the previously submitted oath/declaration. The comments issued with the rules (1135 O.G. 13, 17 (Notice January 9, 1992)) stated that: "The averments in the oath or declaration in the forms presently in use that comply with the previous § 1.63 or § 1.175 will also comply with the requirements of the new rules. Therefore, the Office will continue to accept the old oath or declaration forms as complying with the new rules."

#### II. Objections to the Specification

The specification has been amended to overcome the Examiner's objections. The figure references have been corrected as per section 2.

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In section 3, the Examiner objected to the specification for failing to provide proper antecedent basis for claims 8, 11, and 16. Applicant respectfully traverses the Examiner's objection. The antecedent basis for "excessive throughput" is at least in paragraph [0025]. Applicant respectfully requests withdrawal of the objection.

With regard to section 4, Applicant acknowledges the use of the trademarked acronym CORBA. However, Applicant notes that "common object request broker architecture" is not a registered trademark, and is commonly used and understood by those skilled in the art. Applicant has confirmed that all uses of the acronym CORBA are capitalized.

### III. General Claim Objections

Applicant has amended claim 16 to overcome the Examiner's rejection.

### IV. Claim Rejections under 35 USC § 112

Applicant has amended claims 6 and 10 to overcome the Examiner's rejection. The acronym "CORBA" has been replaced with "common object request broker architecture" which is not a registered trademark, and is commonly used and understood by those skilled in the art. Applicant respectfully requests withdrawal of the rejection of claims 6 and 10; and claims 11-14 which were rejected for depending on claim 10.

### V. Claim Rejections under 35 USC § 103

On page 4 of the Office Action, in section 9, the Examiner rejected claims 1 - 20 under 35 U.S.C. § 103(a) as being unpatentable over "CORBA Delays in a Software-Defined Radio", by Bertrand et al. (hereinafter "Bertrand") in view of "Implementation of a WNW within the JTRS Operating Environment Using Networking APIs", by Anderson et al. (hereinafter "Anderson"). Applicant respectfully traverses the rejection.

Bertrand and Anderson both relate to the type of prior art systems over which the Applicant specifically indicates the invention attempts to improve. Specifically, the present application states that: "The middleware and operating system functionality that is inefficient for

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software to implement is carried out in hardware.” (Present application, Para. [0025].) Indeed, Applicants refer to middleware as “power wasting.” (See present application, Para. [0024].) Applicant has amended the claims to emphasize this distinction of Applicant’s invention from the prior art.

To support the rejection, the Examiner cites to Fig. 2 of Bertrand. However, in the text right after the very section in Bertrand cited by the Examiner (page 152, right col., lines 13-14), it states that CORBA middleware is used to hide processor information (see lines 20-24). Anderson also specifically shows the use of CORBA middleware (see page 972, right col, lines 3-4). Amended independent claims 1, 10, and 15 recite that “no middleware is used.”

Claim 15 recites the use of a “pluggable protocol interface” which enables communication from waveform application to waveform application. On page 7 of the Office Action, the Examiner refers to the pluggable protocol interface as being shown in Bertrand where it uses CORBA to hide details of the hardware architecture. However, nowhere in Bertrand is there any discussion of a “pluggable protocol interface” as recited by claim 15 and, further, the only thing in Bertrand used to hide details of the hardware architecture is the middleware. Amended claim 15 specifically recites that “no middleware is used.”

There is no support for the rejection of claims 1-20 based on the combination of Bertrand and Anderson. Both reference alone and in combination teach the use of middleware (software that mediates between applications), which claims 1-20, as amended, do not use. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-20.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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